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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/550,695	12/22/2006	Markus Kilian	KIL3002 /FJD	4321
23364 7590 06/11/2008 BACON & THOMAS, PLLC 625 SLATERS LANE FOURTH FLOOR ALEXANDRIA, VA 22314				
EXAMINER				
WACHSMAN, HAL D				
ART UNIT		PAPER NUMBER		
2857				
MAIL DATE		DELIVERY MODE		
06/11/2008		PAPER		

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/550,695

Applicant(s)

KILIAN, MARKUS

Examiner

Hal D. Wachsmann

Art Unit

2857

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 December 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 8-14 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 8-14 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 22 December 2006 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

1. The drawings are objected to because the text in Figure 1 is not in the English language and Figure 2 needs labeling (i.e. in words) so as to facilitate an understanding of the invention from the drawings. Appropriate correction is required.
2. The title of the invention is not descriptive. A new title is required that is clearly indicative of the invention to which the claims are directed.
3. There is no statement of continuing data on the first page of the specification. Also, page 7, line 2, of the specification, cites "can determined" which it appears should be "can be determined". Also it is respectfully noted that an international search report has been included in the application filing papers however an IDS for this application has not been filed. Also, the filing receipt for the application appears to be in error because it refers to EPO 103 15 164.8 which it appears should be **DE** 10315164.8. In addition, in the Preliminary Amendment on page 3 there is an amendment which states "On page 6, prior to the paragraph which begins on line 15..." however the paragraph being referred to begins on line 16. Appropriate correction is required.

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.
5. Claims 8-14 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claim 8, lines 7-8, cite "at least approximately

determining a communication point in time...from at least two communication points in time..." which does not particularly point out how the at least two communication points in time are being used to determine the communication point in time. In addition, there is vagueness with respect what's the difference between the communication point in time and the at least two communication points in time as both of these citations are referring to communication points. The last step of claim 8 cites "determining the measuring point in time...on the basis of said approximately determined communication point in time..." which does not particularly point out how the approximately determined communication point in time is being used to determine the measuring point in time. Claim 10, lines 3-4, cite "...a preceding communication point in time..." however is this a preceding communication point in time before the at least two preceding communication points in time ? Claim 11, line 5, cites "the following communication point in time" which lacks clear antecedent basis. Claim 12, lines 2-3, cite "the time span..to the approximated communication point in time.." which lacks antecedent basis. This same type of problem also occurs in claim 13. Claim 12, line 5, cites "the minimum time span" which lacks antecedent basis. Claim 12, lines 6-7, cite "considering technical constraints" however considering in what way and exactly what technical constraints are being referred to here ? Claim 13, lines 4-5, cite "the time span...which was used for the approximation of the preceding approximated communication point in time..." which lacks clear antecedent basis. The last line of claim 13 cites "the control unit" however the antecedent basis is "central control unit". The preamble of claim 14 cites "An apparatus for determining a measured point in time..." however claim 14 line 6 cites

"controls the measuring point in time" and thus there is ambiguity in that if the measuring point in time is already known then why is it being determined ? In addition, the body of claim 14 does not particularly point out how this measured point in time is determined. Claim 14, line 7, cites "said field device" which lacks antecedent basis. Claim 14, lines 8-9, cite "said least one field bus communication unit transmits *at least* the communication point in time...to said output/control unit" in which there is ambiguity with respect to what else besides the communication point in time can be transmitted to the output/control unit.

6. The following references are cited as being art of general interest: Jurisch (US 2005/0021705 A1) which discloses implementing an operating and observation system for field devices, Jurisch et al. (US 2004/0255017 A1) which disclose a method for operating and observing field devices, Michaud et al. (US 2004/0168837 A1) which disclose a query in a modular robotic platform, Stengele et al. (US 2002/0004370 A1) which disclose a field transmitter, Bouse et al. (US 2006/0101111 A1) which disclose transferring arbitrary binary data over a fieldbus network, Hsiung et al. (US 2003/0083756 A1) which disclose an integrated monitoring network for field mounted devices, Nichols (US 2008/0101420 A1) which discloses a controller area network, Heilig (US 2005/0071113 A1) which discloses an electronic field device with a sensor unit for process measurement and Borg (US 2006/0075085 A1) which disclose Process Field Bus.

7. No claims are allowed.

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8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hal D. Wachsman whose telephone number is 571-272-2225. The examiner can normally be reached on Monday to Friday 7:00 A.M. to 4:30 P.M..

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eliseo Ramos-Feliciano can be reached on 571-272-7925. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Hal D Wachsman/
Primary Examiner
Art Unit 2857

June 7, 2008